

WEDNESDAY, MARCH 4, 1981

SIXTEENTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. John E. Sorrell, Pastor, Central Baptist Church, Johnson City, Tennessee.

Representative King (Washington) led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Usery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

The Speaker announced that the Honorable Joan Lowe had been elected by the Marshall County Board of Commissioners to fill the vacancy in the 63rd Representative District.

The Clerk was directed to spread the following documents pertaining to the election upon the Journal:

Honorable Ned Ray McWherter
Speaker of the House of Representatives
State Capitol
Nashville, Tennessee 37219

My Dear Mr. Speaker:

I want to give notice that the Marshall County Board of Commissioners met in special session on Monday March 2, 1981, at the Marshall County Courthouse in Lewisburg, and

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that the Board by vote of 17 to 0 elected Joan Lowe of Marshall County, Tennessee, as the Interim Successor for State Representative for the 63rd Representative District of the State of Tennessee to serve until this office is filled by vote of the people.

I have also enclosed a Certificate of Election Results wherein Frank Hardison, Marshall County Court Clerk has certified the results of the election.

Sincerely yours,

Michael M. Boyd
County Attorney

CERTIFICATE OF ELECTION RESULTS

I, Frank Hardison, the County Court Clerk for Marshall County, Tennessee, do hereby certify that the Marshall County Board of Commissioners met in special session on Monday, March 2, 1981, at the Marshall County Courthouse in Lewisburg, Tennessee, and that said Board by vote of 17 to 0, elected Joan Lowe of Marshall County, Tennessee, as the interim successor for State Representative for the 63rd Representative District of the State of Tennessee, to serve until this office is filled by vote of the people.

In testimony whereof, I have hereunto set my signature and official seal of office in Lewisburg, Marshall County, Tennessee, on this the 2nd day of March, 1981.

Frank Hardison, Marshall County
Court Clerk

The Speaker appointed the following committee to escort Representative-elect Lowe to the Well of the House: Representatives McKinney, Webb, DePriest, Murray, Richardson, Phillips and DeBerry.

OATH OF OFFICE

The Oath of Office was administered to Representative-elect Joan Lowe by Mr. Speaker McWherter.

The Speaker announced that Representative Joan Lowe would be seated as the qualified and duly-elected Representative from the 63 Representative District.

The Speaker recognized Representative Lowe for brief remarks.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 15, 29, 52, 197, 198, 210, 255, 312, 345, 365, 467, 469, 585, 588, 628 and 637; and House Joint Resolutions Nos. 29, 71, 74 and 91; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 29, 210, 312, 345,

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365, 467, 469, 588, 628 and 637; and House Joint Resolutions Nos. 71, 74 and 91 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

STATEMENT BY MR. SMITH

Dear Speaker McWherter:

Although it was necessary for me to be absent for important business reasons on February 23, 25 and 26, 1981, this is to request that my votes listed below be recorded in the Journal:

FEBRUARY 23, 1981:

HB 145 No; SB 16 Aye; HB 226 Aye; SB 352 Aye; HB 255 Aye; Consent Calendar Aye on all: SJR 32, 33, 34, 37, 38, 39, 52, HR 10, 11, HJR 77, 80, 81, 84, 85, HB 15, 39, 227, SB 291, HB 365, 467, 469, 558, 585, 588, 627, 628, 637.

FEBRUARY 25, 1981:

SB 198 Aye; HB 124 Aye; HB 228 Aye; HB 290 Aye; HB 141 Aye HB 144 Re-referral Aye; HB 203 Aye; HB 277 Aye; SB 383 Aye; HJR 89 Aye; SB 895 Aye; HB 197 (Senate Amendment) Aye; HB 52 (Senate Amendment) Aye; HJR 96 Aye; HJR 91 Aye; HR 12 Aye.

FEBRUARY 26, 1981:

HB 256 Aye; HB 188 Aye; HB 381 Aye; HB 382 Aye; HB 528 Re-referral Aye; HB 537 Aye; HB 538 Aye; HB 539 Aye; HB 540 Aye; HB 541 Aye; HB 184 Aye; HB 193 Aye; HJR 101 Aye; HJR 97 Aye.

Sincerely,

Loy L. Smith

CALENDAR

House Bill No. 319—To make certain provisions, powers of savings and loan associations.

On motion, House Bill No. 319 was made to conform with Senate Bill No. 325.

On motion, Senate Bill No. 325, on same subject, was substituted for House Bill No. 319.

Mr. Johnson moved that Senate Bill No. 325 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington),

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Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative voting no was: Robinson (Washington)—1.

A motion to reconsider was tabled.

House Bill No. 378—To make certain robbery a Class X felony.

Mr. Rhinehart moved that House Bill No. 378 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 415—To clarify certain definitions, pharmacy law.

On motion, House Bill No. 415 was made to conform with Senate Bill No. 583.

On motion, Senate Bill No. 583, on same subject, was substituted for House Bill No. 415.

Mr. Rhinehart moved that Senate Bill No. 583 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner,

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Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

Representative voting no was: Sterling—1.

Representative present and not voting was: Lowe—1.

A motion to reconsider was tabled.

House Bill No. 417—To grant certain authority Joint Underwriters Association.

Mr. Rhinehart moved that House Bill No. 417 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 51—To make felony certain cross burnings.

On motion, House Bill No. 51 was made to conform with Senate Bill No. 11.

On motion, Senate Bill No. 11, on same subject, was substituted for House Bill No. 51.

Mr. Davis (Hamilton) moved that Senate Bill No. 11 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 11 by deleting from the first paragraph of the amendatory language of Section 1 the words "any manner of exhibit" and substituting instead the words "other religious symbols".

FURTHER AMEND by deleting from the second paragraph of the amendatory language of Section 1 the words and figures "five (5) years, nor more than fifteen (15)", and substituting instead the words and figures "one (1) year, nor more than five (5)".

FURTHER AMEND by adding the following new paragraph to the end of the amendatory language of Section 1:

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The provisions of this act shall not apply to crosses or religious symbols burned by a person on his own property or to such burnings on the property of another, if the owner thereof has given written permission for the use of his land for such activities.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 11, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	7
Present and not voting	8

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Lashlee, Love, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work, and Mr. Speaker McWherter—83.

Representatives voting no were: Carter, Chiles, King (Washington), Montgomery, Shirley, Small and Wolfe—7.

Representatives present and not voting were: Dills, Frensley, Kent, Lowe, McAfee, Moore, Spence and Yelton—8.

A motion to reconsider was tabled.

House Bill No. 47—To make felony coercion of state officials.

Mr. Davis (Hamilton) moved that House Bill No. 47 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	6
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Shelby), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—87.

Representatives voting no were: Chiles, Harrill, King (Washington), Small, Wolfe and Wood—6.

Representatives present and not voting were: Kent, Kernell, Moore and Spence—4.

A motion to reconsider was tabled.

House Bill No. 297—To make certain provisions, judicial commissioners.

Mr. Severence moved that House Bill No. 297 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 297 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION—. Tennessee Code Annotated, Section 40-120, is further amended by adding the following new subsection:

() Notwithstanding any provision of this section to the contrary, in any county having a population of not less than two hundred seventy-six thousand (276,000) nor more than two hundred seventy-seven thousand (277,000) according to the 1970 federal census of population or any subsequent federal census, any appointment of a judicial commissioner pursuant to subsection (a) of this section shall be subject to the approval of a majority of the general sessions judges in such county.

On motion, the amendment was adopted.

Thereupon, House Bill No. 297, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 102—To require use of auto restraint devices, children under 4.

On motion, House Bill No. 102 was made to conform with Senate Bill No. 26.

On motion, Senate Bill No. 26, on same subject, was substituted for House Bill No. 102.

Mr. Bragg moved that Senate Bill No. 26 be passed on third and final consideration.

Mr. Pickering moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 26 by inserting the following new section immediately preceding the final section and by appropriately renumbering such section:

Section—. Tennessee Code Annotated, Section 55-9-214, is amended in subsection (c) by adding the following words to the end of such subsection:

Provided, however, that no court costs shall be imposed or assessed against anyone convicted of a violation of this section.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 26 by adding a new section, as follows, immediately before the effective date section and by renumbering the effective date section accordingly:

SECTION—. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes	80
Noes	10
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—80.

Representatives voting no were: Bell (Knox), Chiles, Covington, Duncan, Jones, King (Shelby), Martin, Shirley, Smith and Tanner—10.

Representatives present and not voting were: Pickering, Robinson (Hamilton), Stafford and Mr. Speaker McWherter—4.

Thereupon, Senate Bill No. 26, as amended, passed its third and final consideration by the following vote:

Ayes	84
Noes	11
Present and not voting	1

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—84.

Representatives voting no were: Chiles, Davis (Gibson), Duncan, Harrill, Jones, Lashlee, Lowe, Shirley, Small, Stafford and Tanner—11.

Representative present and not voting was: McAfee—1.

A motion to reconsider was tabled.

Mr. Scruggs moved that House Bill No. 425 be placed on the Calendar for Wednesday, March 11, 1981, which motion prevailed.

Mr. Murphy (Davidson) moved that House Bill No. 334 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 152—To amend Section 8-23-204, Code.

Mr. Rhinehart moved that House Bill No. 152 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes	28
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Starnes, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—66.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Clark (Sumner), Copeland, Duer, Ford, Frensley, Harrill, Henry (Roane), Hudson, Huskey, McAfee, Martin, Montgomery, Percy, Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stafford, Sterling, Wallace, Wolfe and Wood—28.

Representatives present and not voting were: Henry (Blount) and Moore—2.

A motion to reconsider was tabled.

House Bill No. 296—To make certain provisions rail safety.

Mr. Lashlee moved that House Bill No. 296 be passed on third and final consideration.

Mr. Ellis moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 296 by inserting in SECTION 1, between the word "more" and the word "cars" the word "freight" which will make the section read as follows:

"SECTION 1. No class one railroad company or railroad company having total revenues of fifty million dollars or more in a calendar year shall use or permit to be used on a main track outside switching limits or for a distance in excess of five miles in one direction in the State of Tennessee, a locomotive with ten (10) or more freight cars, without a caboose attached to the last car."

On motion, the amendment was adopted.

Mr. Richardson moved that House Bill No. 296 be referred to the Committee on Transportation.

Mr. McKinney moved that the motion be tabled, which motion failed by the following vote:

Ayes	40
Noes	50
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, Disspayne, Ellis, Gaia, Gill, Harrill, Hillis, Hurley, Jared, Kernell, Lashlee, Love, Lowe, McKinney, Miller, Murphy (Davidson), Owen, Pickering, Pruitt, Rhinehart, Robinson (Hamilton), Spence, Stallings, Turner, Wheeler, Whitson, Withers and Mr. Speaker McWherter—40.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Bragg, Carter, Clark (Sumner), Copeland, Covington, Davis (Gibson), Dills, Duer, Duncan, Ford, Frenseley, Henry (Blount), Henry (Roane), Hudson, Huskey, Johnson, Kelley, Kent, King (Shelby), King (Washington), McAfee, McNally, Martin, Montgomery, Murray, Naifeh, Phillips, Richardson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wix, Wolfe, Wood and Yelton—50.

Representatives present and not voting were: Jones and Moore—2.

Thereupon, the motion to refer House Bill No. 296 to the Committee on Transportation prevailed.

Mr. Davis (Hamilton) moved that House Bills Nos. 317 and 318 be placed on the Calendar for Monday, March 9, 1981, which motion prevailed.

House Bill No. 302—To require written notice to certain persons concerning parole hearings.

On motion, House Bill No. 302 was made to conform with Senate Bill No. 182.

On motion, Senate Bill No. 182, on same subject, was substituted for House Bill No. 302.

Mr. Wallace moved that Senate Bill No. 182 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 182 by deleting from the amendatory language of Section 1 the following:

“When the department of correction certifies to the board that a particular inmate is eligible for parole, the department shall also send written notice of such inmate’s eligibility to the following people”

and substituting instead the following:

“Upon receipt from the department of correction of the list of inmates eligible for parole, the board shall send written notice of each such inmate’s eligibility to the following people”

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 182 by deleting subsection 2, 3 and 4 from the amendatory language of section 1, and substituting in lieu thereof the following:

2. The district attorney general who prosecuted the case, or his successor. The district attorney general shall notify the sheriff and the family of the victim where such notification is possible or necessary.

Mr. Wallace moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	47
Noes	39
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Byrd, Carter, Copeland, Davis (Gibson), Davis (Pickett), Dills, Duer, Duncan, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Jared, Johnson, Kelley, Lashlee, McNally, Miller, Montgomery, Naifeh, Percy, Phillips, Pickering, Robinson (Washington), Scruggs, Small, Smith, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe and Yelton—47.

Representatives voting no were: Bell (Knox), Bragg, Buck, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, DeBerry, DePriest, Disspayne, Ellis, Ford, Hillis, Hudson, Hurley, Huskey, Jones, Kent, King (Shelby), King (Washington), McAfee, McKinney, Martin, Moore, Murphy (Davidson), Murray, Pruitt, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Spence, Withers, Wood and Work—39.

Representatives present and not voting were: Owen, Rhinehart and Richardson—3.

Thereupon, Senate Bill No. 182, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	7

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Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter—85.

Representatives voting no were: Bell (Knox), DeBerry, King (Washington), Murphy (Davidson), Severance, Spence and Work—7.

A motion to reconsider was tabled.

Senate Bill No. 313—To amend Section 56-29-105, Code.

Mr. Starnes moved that Senate Bill No. 313 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 313 by adding:

(c) Directors or board members shall serve without pay for their work in this capacity; however, they may receive payment for particular services actually rendered, such as legal counsel, medical service, accounting or other required services, upon specific approval of the board of directors; such approval being made a part of the minutes of the board of directors, provided, however that no contract for equipment or supplies may be entered into between a corporation subject to the provisions of this chapter and one or more board members unless such contract shall be competitively bid.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 313, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 151

House Bill No. 151—To provide for professional leave, state employees.

Mr. Rhinehart moved that House Bill No. 151 be passed on third and final consideration.

Mr. King (Washington) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 151 as follows:

Delete that part of the amendatory language of Amendment Number 3 beginning with "An employee" and ending with "or agency" and substitute therefore the following amendatory language:

The first twenty-five percent (25%) of the employees of any work unit shall be granted such absence from work with pay based upon accrued annual leave. More than twenty-five percent (25%) of the employees of any work unit may be granted such absence from work with pay at the discretion of the head of the department or agency.

Mr. McNally moved the previous question on the amendment, which motion prevailed by the following vote:

Ayes	62
Noes	28
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Henry (Blount), Hillis, Jared, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Spence, Stallings, Sterling, Wheeler, Whitson, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—62.

Representatives voting no were: Baker, Bell (Knox), Carter, Clark (Sumner), Davis (Gibson), Duer, Duncan, Ford, Frensley, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Johnson, Lashlee, McAfee, Naifeh, Scruggs, Shirley, Small, Smith, Stafford, Tanner, Ussery, Wallace, Webb and Wolfe—28.

Representative present and not voting was: Bragg—1.

Thereupon, Amendment No. 4 was adopted by the following vote:

Ayes	59
Noes	35

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Hurley, Jared, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Turner, Wallace, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—59.

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Representatives voting no were: Baker, Bell (Knox), Bewley, Bragg, Carter, Clark (Sumner), Duer, Duncan, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Huskey, Johnson, Kelley, McAfee, Martin, Montgomery, Moore, Naifeh, Percy, Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stafford, Sterling, Tanner, Ussery, Webb, Wolfe and Wood—35.

A motion to reconsider was tabled.

Mr. King (Washington) moved the previous question, which motion failed by the following vote:

Ayes	56
Noes	30
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Brewer, Buck, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Hurley, Jared, Jones, Kelley, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Sterling, Webb, Wheeler, Whitson, Wix, Work, Yelton and Mr. Speaker McWherter—56.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Clark (Sumner), Duer, Duncan, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Huskey, Johnson, Kent, McAfee, Montgomery, Naifeh, Percy, Richardson, Scruggs, Severance, Shockley, Small, Smith, Tanner, Ussery, Wallace, Wolfe and Wood—30.

Representatives present and not voting were: Owen and Stafford—2.

Mr. Buck moved that House Bill No. 151 be placed on the Calendar for tomorrow.

Mr. Burnett moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	54
Noes	36
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Starnes, Turner, Wheeler, Whitson, Wix, Work, Yelton and Mr. Speaker McWherter—54.

Representatives voting no were: Bell (Knox), Bewley, Buck, Carter, Clark (Sumner), Copeland, Duer, Duncan, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, McAfee, Martin, Montgomery, Moore, Percy, Robinson (Washington), Scrugg, Severance, Shockley, Small, Smith, Stafford, Sterling, Ussery, Wallace, Webb, Wolfe and Wood—36.

Representatives present and not voting were: Owen and Tanner—2.

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Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes	67
Noes	26
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Henry (Blount), Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Spence, Stallings, Starnes, Turner, Wallace, Wheeler, Whitson, Withers, Wix, Work and Yelton—67.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Copeland, Duer, Duncan, Ford, Frensey, Harrill, Henry (Roane), Huskey, McAfee, Moore, Percy, Scruggs, Shockley, Small, Smith, Stafford, Sterling, Tanner, Ussery, Webb, Wolfe and Wood—26.

Representative present and not voting was: Mr. Speaker McWherter—1.

Thereupon, House Bill No. 151, as amended, passed its third and final consideration by the following vote:

Ayes	64
Noes	29
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Shockley, Spence, Stallings, Starnes, Turner, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—64.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Clark (Sumner), Copeland, Duer, Duncan, Frensey, Harrill, Henry (Blount), Henry (Roane), Huskey, McAfee, Martin, Montgomery, Moore, Percy, Robinson (Washington), Scruggs, Severance, Small, Smith, Stafford, Sterling, Ussery, Wallace, Wolfe and Wood—29.

Representatives present and not voting were: Naifeh and Tanner—2.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 112 out of order, which motion prevailed.

House Joint Resolution No. 112—Relative to honoring Bill “Griff” Griffin—By Rhinehart, Ellis, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent,

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Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Rhinehart, the resolution was adopted by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

House Bill No. 67—To regulate loan procedures, credit committee.

On motion, House Bill No. 67 was made to conform with Senate Bill No. 228.

On motion, Senate Bill No. 228, on same subject, was substituted for House Bill No. 67.

Mr. Davis (Hamilton) moved that Senate Bill No. 228 be passed on third and final consideration.

Mr. Buck moved the previous question, which motion prevailed by the following vote:

Ayes	75
Noes	12
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Frensley, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Whitson, Wix, Wolfe, Wood, Work and Yelton—75.

Representatives voting no were: Bell (Knox), DeBerry, Ellis, Ford, Henry (Roane), Huskey, McKinney, Murphy (Davidson), Owen, Pruitt, Spence and Ussery—12.

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Representative present and not voting was: Mr. Speaker McWherter—1.

Thereupon, Senate Bill No. 228, passed its third and final consideration by the following vote:

Ayes	92
Noes	2
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives voting no were: McKinney and Sterling—2.

Representative present and not voting was: Jones—1.

A motion to reconsider was tabled.

Mr. Davis (Hamilton) moved that House Bill No. 530 be placed on the Calendar for tommorrow, which motion prevailed.

House Bill No. 430—To create the “Presidential Landmark Commission Act”.

On motion, House Bill No. 430 was made to conform with Senate Bill No. 727.

On motion, Senate Bill No. 727, on same subject, was substituted for House Bill No. 430.

Mr. Murphy (Davidson) moved that Senate Bill NO. 727 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

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House Bill No. 181—To change method of payments student assistances.

On motion, House Bill No. 181 was made to conform with Senate Bill No. 45.

On motion, Senate Bill No. 45, on same subject, was substituted for House Bill No. 181.

Mr. Bragg moved that Senate Bill No. 45 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

Ms. DeBerry moved that House Bill No. 205 be placed on the Calendar for Monday, March 9, 1981, which motion prevailed.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 19—Relative to study, distribution, food commodities.

The Speaker referred Senate Joint Resolution No. 19 to the Committee on Education.

Senate Joint Resolution No. 36—Relative to approving amendments, revisions, Rules of Appellate Procedure.

The Speaker referred Senate Joint Resolution No. 36 to the Committee on Judiciary.

Senate Joint Resolution No. 63—Relative to adopting official salute, flag of Tennessee.

The Speaker referred Senate Joint Resolution No. 63 to the Committee on Calendar and Rules.

SECOND ROLL CALL

The roll call was taken with the following results:

Present	96
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Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe,

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McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 107—Relative to commending Military Department, Energy Conservation.—By Murphy (Davidson).

The Speaker referred House Joint Resolution No. 107 to the Committee on Calendar and Rules.

House Joint Resolution No. 109—Relative to honoring former Representative Jim Richards—By Smith, Henry (Blount), Stafford, Bell (Knox), Scruggs, Severance, Henry (Roane), Hurley, Shockley, Miller, Owen and Clark (Sumner).

Under the rules, House Joint Resolution No. 109 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1052—To consolidate certain utility districts—By Rhinehart and Hillis.

Passed first consideration.

House Bill No. 1053—To regulate use of dimethyl sulfoxide—By Work and Rhinehart.

Passed first consideration.

House Bill No. 1054—To amend Title 13, Chapter 22, Code—By Robinson (Hamilton).

Passed first consideration.

House Bill No. 1055—To regulate South Carroll County Special School District—By Kelley.

Passed first consideration.

House Bill No. 1056—To provide installment payments under garnishment law—By McKinney.

Passed first consideration.

House Bill No. 1057—To set procedure for filling certain vacancies—By Burnett.

Passed first consideration.

House Bill No. 1058—To amend Business Tax Act—By Bell (Knox).

Passed first consideration.

House Bill No. 1059—To regulate occupation of cosmetology—By Bell (Knox), Robinson (Washington) and Whitson.

Passed first consideration.

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House Bill No. 1060—To regulate contributions, elections—By Wallace.

Passed first consideration.

House Bill No. 1061—To regulate captive insurance companies—By Stafford, Henry (Blount), Henry (Roane) and Carter.

Passed first consideration.

House Bill No. 1062—To regulate certain practices, insurance—By Stafford, McNally, Cobb, Henry (Blount) and Wood.

Passed first consideration.

House Bill No. 1063—To amend Sentence Credit Laws—By Murphy (Davidson).

Passed first consideration.

House Bill No. 1064—To make certain provisions, kindergartens—By Henry (Roane).

Passed first consideration.

House Bill No. 1065—To regulate commercial and sport fishing—By Henry (Roane).

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 137—To amend Section 39-2404(i), Code.

Passed first consideration.

Senate Bill No. 401—To regulate disposal, textbooks.

Passed first consideration.

Senate Bill No. 487—To amend Section 8-38-125, Code.

Passed first consideration.

Senate Bill No. 544—To regulate specifications, certain items, competitive bidding.

Passed first consideration.

Senate Bill No. 725—To abolish Consumer Advisory Board.

Passed first consideration.

Senate Bill No. 754—To amend Sections 59-8-318 (c) and 59-8-320 (c) (2), Code.

Passed first consideration.

Senate Bill No. 761—To amend Section 8-36-811, Code.

Passed first consideration.

Senate Bill No. 762—To amend Section 49-3237, Code.

Passed first consideration.

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HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1038—To amend Title 70, Chapter 13, Code.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1039—To authorize Manchester to levy privilege tax.

Passed second consideration and held without reference.

House Bill No. 1040—To amend Title 29, Chapter 34, Code.

Turner.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1041—To provide penalty for false information, law officer.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1042—To amend Chapter 132, Private Acts, 1969.

Passed second consideration and held without reference.

House Bill No. 1043—To set salaries, constitutional offices.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1044—To equalize salaries of the Constitutional Officers.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1045—To increase fee, marriage licenses, Humphreys County.

Passed second consideration and held without reference.

House Bill No. 1046—To regulate employees contributions, retirement system.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1047—To amend Corporate Gross Receipts Tax.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 1048—To amend Title 52, Chapter 2, Code.

Passed second consideration and referred to Committee on Agriculture.

House Bill No. 1049—To regulate Motor Vehicle Fuel Use Tax.

Passed second consideration and referred to Committee on Agriculture.

House Bill No. 1050—To prohibit sale of Beverages, nonreturnable glass containers.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1051—To provide director, air pollution control program.

Passed second consideration and held without reference.

STANDING COMMITTEE REPORTS

COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 66, 320 (with amendment), 426, 600 (with amendment), 647 (with amendment), 663, 687 and 942.

MURRAY, *Chairman.*

Under the rules, House Bills Nos. 66, 320, 426, 600, 647, 663, 687 and 942 were transmitted to the Committee on Calendar and Rules.

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 651, 750, 837 (with amendment), 871 (with amendment) and 932.

HILLIS, *Chairman.*

Under the rules, House Bills Nos. 651, 750, 837, 871 and 932 were transmitted to the Committee on Calendar and Rules.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 186 (with amendment), 353, 366, 368 (with amendment) and 401 and further recommend that pursuant to House Rule No. 70, House Bill No. 401 be referred to the Committee on Finance, Ways and Means.

WORK, *Vice Chairman.*

Under the rules, House Bills Nos. 186, 353, 366 and 368 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 401 to the Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 241, 344, 348 (with amendment), 522, 649 (with amendment), 652 and 825.

BRAGG, *Chairman.*

Under the rules, House Bills Nos. 241, 344, 348, 522, 649, 652 and 825 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 149, 245, 303 (with amendment), 448, 490, 733 (with amendment), 749 and 774 (with amendment).

STARNES, *Chairman.*

WEDNESDAY, MARCH 4, 1981—16th LEGISLATIVE DAY

Under the rules, House Bills Nos. 149, 245, 303, 448, 490, 733, 749 and 774 were transmitted to the Committee on Calendar and Rules.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bill No. 874.

DAVIS (Hamilton), *Chairman*.

Under the rules, House Bill No. 874 was transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 12 (with amendment), 23, 249, 295 (with amendment), 349 (with amendment), 397, 407 (with amendment), 468, 471, 507 (with amendment), 508, 547, 552 (with amendment), 610 and 620 (with amendment) and further recommend that pursuant to House Rule No. 70, House Bills Nos. 12, 23, 249 and 407 be referred to the Committee on Finance, Ways and Means.

MURPHY (Shelby), *Chairman*.

Under the rules, House Bills Nos. 295, 349, 397, 468, 471, 507, 508, 547, 552, 610 and 620 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 12, 23, 249 and 407 to the Committee on Finance, Ways and Means.

LABOR AND CONSUMER AFFAIRS

MR. SPEAKER: Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 612, 613 and 788 and further recommend that pursuant to House Rule No. 70, House Bill No. 612 and 613 be referred to the Committee on Finance, Ways and Means.

ELLIS, *Chairman*.

Under the rules, House Bill No. 788 was transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 612 and 613 to the Committee on Finance, Ways and Means.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage; House Bills Nos. 54, 55, 85, 165 (with amendment), 224, 248, 266, 322, 329, 504, 701, 702 and 798 and House Joint Resolution No. 72 and further recommend that pursuant to House Rule No. 70, House Bill No. 54 be referred to the Committee on Finance, Ways and Means.

MILLER, *Chairman*.

Under the rules, House Bills Nos. 55, 85, 165, 224, 248, 266, 322, 329, 504, 701, 702, 798 and House Joint Resolution No. 72 were transmitted to the Committee on Calendar and Rules.

WEDNESDAY, MARCH 4, 1981—16th LEGISLATIVE DAY

Pursuant to House Rule No. 70, the Speaker referred House Bill No. 54 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 70, 465 (with amendment), 625, 688 (with amendment), 719, 771, 796, 850, 875 and House Joint Resolution No. 69 (with amendment).

ROBINSON (Davidson), *Chairman.*

Under the rules, House Bills Nos. 70, 465, 625, 688, 719, 771, 796, 850, 875 and House Joint Resolution No. 69 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 5, 1981: House Bills Nos. 171, 199, 659, 28, 158, 162, 24, House Joint Resolution No. 86, House Bills Nos. 598, 654, 356, 466, 113, 529, 195, 411, 310, 311, 414, 433, 339, 258 and 357.

GILL, *Chairman.*

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1020 and 1029.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution Nos. 98 and 101; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution Nos. 98 and 101.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 47, 151, 152, 297, 378 and 417; and House Joint Resolution No. 112; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

31—To establish nonresident hunting and fishing fees;

203—To amend Title 67, Chapter 58, Code; both substituted for Senate Bill on same subject, amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

104—Relative to 150th anniversary, U. S. Copyright Act;

105—Relative to honoring Jerry L. Glisson; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

61—To amend Chapter 436, Private Acts, 1943;

458—To amend Charter, Signal Mountain;

562—To provide for superintendent of education, Anderson County;

745—To provide for distress warrants, Monroe County;

747—To regulate litigation taxes, Jefferson County;

754—To provide for wheel tax, Obion County;

789—To amend Charter, Kingsport;

849—To regulate assessment of taxes, Lynchburg;

884—To amend Chapter 319, Private Acts, 1968;

906—To regulate open beer, Obion County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MOTIONS

On motion of Mr. Starnes House Bill No. 890 was recalled from the Committee on General Welfare.

On motion of Mr. Starnes, House Bill No. 890 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 504—Ford, Huskey

House Bill No. 600—Wheeler

House Bill No. 810—DePriest, Ussery, Murphy (Shelby), Turner

SPONSORS REMOVED

On motion of Mr. Huskey, his name was removed as sponsor of House Bill No. 900.

On motion of Mr. McAfee, his name was removed as sponsor of House Bill No. 1043.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 98 and 101; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

254—To make provisions, Interstate Compact on Detainers;

256—To regulate Department of Veterans' Affairs; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

102—Relative to congratulating The Daily Post-Athenian; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Burnett the House adjourned until 10:30 a.m. tomorrow.